

1 SEDGWICK DETERT MORAN & ARNOLD LLP
2 FREDERIC F. GRANNIS (Bar No. 185119)
3 frederic.grannis@sdma.com
4 JEFFREY H. IKEJIRI (Bar No. 245256)
5 jeffrey.ikejiri@sdma.com
6 801 South Figueroa Street, 19th Floor
7 Los Angeles, CA 90017-5556
8 Telephone: (213) 426-6900
9 Facsimile: (213) 426-6921

10 Attorneys for Defendant
11 CATERPILLAR INC.

12 UNITED STATE DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 KENNETH ORNDORF,

16 Plaintiff,

17 v.

18 CATERPILLAR INC., a Delaware
19 Corporation and DOES 1 through 50,
20 inclusive,

21 Defendants.

Case No. 5:08-cv-01276-JW

**STIPULATION TO CONTINUE
MEDIATION DEADLINE;
[PROPOSED ORDER]**

Judge: Hon. James Ware

22 **IT IS HEREBY STIPULATED**, by and between the parties to this
23 Stipulation, by and through their respective counsel of record, that the date for
24 completing mediation be extended not less than 46 days from December 15, 2008
25 to January 30, 2009. The parties seek this extension because plaintiff's counsel
26 has two trials in December, and the parties' selected mediator, Jack Williams, is
27 unavailable the entire months of November and December. Due to the complexity
28 of the product at issue, and because of his experience with similar actions, Mr.
Williams was selected as the mediator for this case. **The parties have secured a
mediation date of January 13, 2009 with Mr. Williams.**

The Preliminary Pretrial and Trial Setting Conference are scheduled for
May 18, 2009, and the last day to hear dispositive motions is August 24, 2009.

1 parties agree that extending this deadline will not have any adverse effect on these
2 dates or any other pretrial dates or deadlines scheduled in this matter. The parties
3 therefore respectfully request that the Court extend the deadline to complete
4 mediation from December 15, 2008 to January 30, 2009.

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6 DATED: October 7, 2008

SEDGWICK DETERT MORAN & ARNOLD LLP


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9 By:


Frederic F. Grannis
Jeffrey H. Ikejiri
Attorneys for Defendant
CATERPILLAR INC.

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12 DATED: October 1, 2008

LAW OFFICES OF ROBERT PONCE

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14
15 By:


Robert Ponce
Attorneys for Plaintiff
KENNETH ORNDORF

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19 **ORDER**

20 PURSUANT TO STIPULATION, IT IS ORDERED that the deadline to
21 complete mediation be extended from December 15, 2008 to January 30, 2009.

22 **IT IS SO ORDERED.**

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25 DATED: Oct. 15, 2008


Hon. James Ware
UNITED STATES DISTRICT JUDGE